

Case No. 9397/4380US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Higuchi

Serial No.: 08/968,208

Filed: Nov. 12, 1997

For: HOMOGENEOUS METHODS
FOR NUCLEIC ACID
AMPLIFICATION AND
DETECTION

Group Art Unit: 1743

Examiner: Snay, J.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
facsimile transmitted to Examiner Jeffrey Snay at the US
Patent and Trademark Office, fax number 703-872-9747,
on

December 22, 2000

(Date of Deposit)

Mila T. Kasan

Name of Depositing Party

[Signature]

Signature of Depositing Party

Amendment Under 37 CFR 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

With reference to the Request for Continued Examination filed herewith, please add
claim 48 as follows:

--48. A method for detecting a target nucleic acid in a sample, said method comprising
the steps of:

(a) providing an amplification reaction mixture that comprises said sample, a DNA
binding agent, wherein said agent is characterized as providing a detectable signal when bound
to double-stranded nucleic acid which signal is distinguishable from the signal provided by said
agent when it is unbound, and reagents for amplification;

(b) determining the amount of said signal produced by the mixture of step (a);

(c) treating said mixture under conditions for amplifying said target nucleic acid

(d) determining the amount of said signal produced by said mixture of step (c); and

(e) determining if amplification has occurred.--